IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

A. J, ANTONIO	**) NO.**
J., LUCIANA ZEFERINO,	**) COMPLAINT FOR VIOLATIONS OF**
	) CIVIL RIGHTS (US and WA CONST.)
Plaintiffs,	**) (4TH AMENDMENT, 5TH AMEND.**
	) 8TH AMEND. 14TH AMENDMENT
v.	**) RACE DISCRIMINATION, ABUSE OF**
	) PROCESS, INTENTIONAL INFLICTION OF
CITY OF BELLINGHAM,	**) EMOTIONAL DISTRESS, ASSAULT**
ZACHARY SERAD, individually and in	**) VIOLATION OF RCW 49.60.030,**
His Official Capacity as an OFFICER	**) NEGLIGENCE**
of the BELLINGHAM POLICE	**)**
DEPARTMENT; DAVE JOHNSON,	**) JURY TRIAL DEMANDED**
individually and in his Official	**)**
Capacity as a SERGEANT of the	**)**
BELLINGHAM POLICE DEPARTMENT	**)**
CLIFFORD COOK, individually and in	**)**
His Capacity as CHIEF of the	**)**
BELLINGHAM POLICE DEPARTMENT	**)**
KELLI LINVILLE, individually and in	**)**
Her Capacity as MAYOR of the CITY	**)**
of BELLINGHAM, DOES 1-500,	**)**
	)
Defendants.	**)**
	)

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A. J., ANITONIO J., AND LUCIANA ZEMBRANO, the Plaintiffs herein, by and through their attorney, allege as follows:

I. JURISDICTION

1. This court has jurisdiction over the subject matter of this action pursuant to Title 28, United States Code Sections 1331, 1332, 1343, and 1367, and venue is properly set in the Western District Federal Court pursuant to 28 U.S.C. 1391.

2. The claims upon which this suit is based occurred in this judicial district.

3. Plaintiffs are informed and believe, and on that basis allege, that each of the named Defendants reside in this judicial district.

II. PARTIES

2.1 PLAINTIFF A. J. is a single MALE OF LESS THAN MAJORITY AGE residing primarily in the State of Washington, in SKAGIT County within the Western District of Washington. This Plaintiff was the victim of Race discrimination, Racial Profiling, False Arrest, False Imprisonment, Abuse of Process, and other offenses and Constitutional Violations as listed by Defendants SERAD, JOHNSON and other unknown Officers, according to Racially Discriminatory Policies intentionally adopted

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and repeatedly modified and continued by the Bellingham Police Department under the direct control and direction of CHIEF CLIFFORD COOK and MAYOR KELLI LINVILLE. This resulted in severe wholly foreseeable harm that the BELLINGHAM POLICE DEPARTMENT and the CITY OF BELLINGHAM knew or should have known would occur.

2.2 PLAINTIFF ANTONIO J. is a Married Man residing primarily in the State of Washington, in SKAGIT County within the Western District of Washington. This Plaintiff is the Father of Plaintiff A. J and, as a result of Defendants' treatment of A. J. and the policies related thereto was deliberately and Callously Caused to suffer Severe Emotional Distress and trauma with physical symptoms because of the disappearance of his son without explanation or notification, at the hands of BPD and the cooperating CBP and ICE officers and Officials.

2.3 PLAINTIFF LUCIANA ZEMBRANO is a Married Woman residing primarily in the State of Washington, in SKAGIT County within the Western District of Washington. This Plaintiff is the Mother of Plaintiff A. J and, as a result of Defendants' treatment of A. and the policies related to was deliberately and Callously Caused to suffer Severe Emotional Distress and trauma with physical symptoms because of the disappearance of her son without explanation or notification, at the hands of BPD and the cooperating CBP and ICE officers and Officials.

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2.4 DEFENDANT CITY OF BELLINGHAM is a government entity in WHATCOM COUNTY governed and functioning under the laws of the State of Washington. It employs OFFICER ZACHARY SERAD, SERGEANT DAVE JOHNSON, CHIEF CLIFFORD COOK, MAYOR KELLI LINVILLE, as well as John and Jane Doe involved supervisors of the BPD and other city officials and police officers whose identities are unknown, who were involved in this incident and Constitutionally violative, and tortious conduct committed against Plaintiffs and/or were involved in the policy development and implementation and/or failure to train, supervise, and discipline Defendants SERAD and JOHNSON.

2.5 DEFENDANT ZACHARY SERAD upon belief resides in WHATCOM County within the Western District of Washington State. Upon knowledge and belief, ZACHARY SERAD was at the time of the injuries complained of in this complaint, an employee and/or agent of the BELLINGHAM POLICE DEPARTMENT (hereinafter Identified as BPD) acting within the course and scope of his duties.

2.6 DEFENDANT DAVE JOHNSON upon belief resides in WHATCOM County within the Western District of Washington State. Upon knowledge and belief, DAVE JOHNSON was at the time of the injuries complained of in this complaint, an

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employee and/or agent of the BELLINGHAM POLICE DEPARTMENT (hereinafter Identified as BPD) acting within the course and scope of his duties.

2.7 DEFENDANT CHIEF CLIFFORD COOK, upon belief resides in WHATCOM County within the Western District of Washington State. Upon belief, CHIEF COOK is and was at the time of the injuries complained of in this complaint, an employee and/or agent of the BELLINGHAM POLICE DEPARTMENT (hereinafter identified as BPD) acting within the scope of his duties.

2.8 DEFENDANT KELLI LINVILLE belief resides in WHATCOM County within the Western District of Washington State. Upon belief, MAYOR LINVILLE is and was at the time of the injuries complained of in this complaint, an employee and/or agent of the CITY of BELLINGHAM) acting within the scope of her duties.

2.9 There are other persons, identities presently unknown to Plaintiffs who are, and were at all times mentioned herein, supervisors, incident commanders, training, and/or disciplining officers, and/or decision-makers of the BELLINGHAM POLICE DEPARTMENT and/or other OFFICERS THEREOF who acted in concert with the above named Defendants and who devised, approved, or deliberately ignored the actions that are the subject of this action and in doing the things hereinafter alleged, acted under color of State and Federal Law as agents of the BPD and/or other

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involved individuals and/or agencies and with those agency(ies)'s full consent and approval.

2.10 DOES 1-100 are, and were at all times mentioned herein, Officers, Supervisors, Internal Investigators, involved actors, and elected or appointed Police or Governmental Officials Involved In encouraging SERAD' and JOHNSON's behavior and/or failing to properly monitor, supervise, control, and/or discipline Defendants SERAD and JOHNSON and/or other officers involved in numerous Constitutional and tort violations resulting in an extensive pattern and practice of allowing gross misconduct and harm to occur over an extended period of time, thus tacitly encouraging this incident to occur, and in committing the acts and omissions hereinafter alleged, acted under color of state law as agents of the BELLINGHAM Police Department resulting in the violations of Plaintiffs' rights as discussed.

2.11 This action is brought pursuant to the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, Article I of the Washington Constitution, and common law torts.

2.12 On December 22, 2015, Plaintiffs served The City of BELLINGHAM with a tort claim for damages. On February 4, 2016, the Bellingham City Attorney's Office sent a letter to Plaintiffs' Counsel rejecting the claim.

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III. FACTS

3.1 Plaintiff A. J. is a now 16 year old Latino male who lives with his parents and siblings in Mt. Vernon, WA. At the time of the incident in question, he was 15, and looks his age.

3.2. On June 20, 2015 in the manner of teenagers everywhere, A.J. borrowed his parents' car without permission and drive with three friends to Bellingham to attend a party.

3.3 A.J. was not of legal age to drive and did not have a drivers' license or, being 15, any other government identification.

3.4 At approximately 10:40 PM, A.J. allegedly drove the wrong way for one block on Forest Street, between Holly and Chestnut Streets in Downtown Bellingham, an act that occurs routinely throughout the maze of one way streets in Downtown Bellingham.

3.5 Defendant OFFICER ZACHERY SERAD stopped and detained A.J. for that alleged driving infraction.

3.6 Based on the facts currently available to them, Plaintiffs have no dispute with the reasonableness of the stop, *to that point*.

3.7 In the manner of teenagers everywhere, A.J. claimed to be 18 and aimed to have a drivers' license though he could not produce it.

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3.8 A.J. gave his true name and address and produced a copy of the car registration, which listed the car owner as Plaintiff ANTONIO J., A.J.'s father, and listed an address in Mt. Vernon that matched the address that A.J. had given Officer SERAD.

3.9 SERAD then checked for warrants, finding none, as A.J. had never been in any trouble with the law before this incident, and checking for a drivers' license under A.J.'S name in Washington and California.

3.10 A.J. then produced a workers card from Sakuma Farms that he his picture and name on it.

3.11 OFFICER SERAD, in the police report from the incident identifies A.J. as a "younger Hispanic male".

3.12 OFFICER SERAD then proceeded to interrogate A.J. as to any criminal history and in detail as to his immigration status.

3.13 At no time did OFFICER SERAD ever ask A.J. for a phone number or who owned the vehicle.

3.14 OFFICER SERAD's sole focus was on determining A.J.'s immigration status, information that had no relevance to any investigation SERAD was legitimately undertaking.

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3.15 There is no State law violation related to immigration status, and BPD has no jurisdiction either as a matter of law or enrollment in a program that would give them such jurisdiction or investigative power (e.g. 287(g).

3.16 Without ever trying to contact A.J.'s family, or take the normal standard procedures police officers, including BPD officers normally engage in with minors committing minor violations such as this, OFFICER SERAD contacted the Border Patrol to meet him at the scene, something we would never have done with a subject who was not Latino.

3.17 SERAD cleared this action with Defendant SERGEANT JOHNSON, and made the request through the Dispatcher via radio, thus broadcasting his intentions and actions to every officer and supervisor on duty for BPD.

3.18 Neither SGT. JOHNSON nor anyone else at BPD raised any question or concern about Defendant SERAD's course of action.

3.19 Defendant SERAD took this action under the pretext that CBP (Border Patrol) had some special ability to identify A.J. that SERAD did not have.

3.20 Minutes later a Border Patrol Agent identified by Defendant SERAD as "R Chavez" arrived at the scene with an unidentified partner.

3.21 Defendant SERAD informed "R. Chavez" that A.J. was undocumented, which is incorrect, (and he was, in any case, not deportable) and turned A.J. over to

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the custody of the Border Patrol Agents, making no actual further attempt to identify A.J..

3.22 By information and belief, Plaintiffs assert that there is not a single instance where BPD has ever called in the Border Patrol, CBP, or ICE to identify a white subject.

3.23 Defendant SERAD never issued a citation to A.J. for any criminal violation or infraction, and he was never charged with anything.

3.24 Defendant SERAD then turned over custody of the vehicle A.J. had been driving to one of the other young men in the car, who did have a valid license.

3.25 Defendant SERAD never asked any of them if they knew how to contact A.J.'s family.

3.26 The Border Patrol took A.J. to the Ferndale Police Station where they held him in a cell all night.

3.27 Meanwhile, the boys in the car drove to A.J.'s family's home and informed them of what had occurred.

3.28 The family called community activists who immediately began calling ICE and CBP trying to locate A.J., explaining that he was a 15 year old minor. .

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3.29 CBP lied to the activists and claimed that A.J. was in the Federal Detention Center in Tukwila. This is typical and foreseeable.

3.30 BPD offered no assistance and no information.

3.31 A.J.'s parents PLAINTIFFS ANTONIO J. and LUCIANA ZEFERINO then frantically drove two hours down to the Detention Center in Tukwila, only to find that A.J. was not there and officials there knew nothing about him.

3.32 They then had no alternative but to drive two hours back to Mt. Vernon, and spend a frantic night terrified about their son.

3.33 Meanwhile CBP took A.J. to the adult immigration detention center in Tacoma and ICE began deportation proceedings.

3.34 The booking officials at the Tacoma detention Center immediately discovered that A.J. was a minor and refused to place him in population, leaving him in a holding cell for the 12 hours more that it took for the family and community to locate A.J., get all the way down to Tacoma, and persuade ICE to release him.

3.35 By that time it was after 10:30 at night and A.J. had been in custody for 24 hours.

3.36 A.J. was not deportable and should never have been in immigration custody in the first place.

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3.37 But for SERAD's actions, and the Department's signing off on them, A.J. would never have been in that situation.

3.38 Exhausted and deeply traumatized, the family then returned to Mt. Vernon, after Midnight, got what sleep they could, and had to be at work in the fields at 4:30 the next morning.

3.39 A.J. and his parents and siblings are deeply traumatized by this incident and continue to be deeply afraid of law enforcement as a result.

3.40 BPD had insisted for years that its policy was no to work with ICE and CBP and not to detain anyone for suspected immigration violations.

3.41 This was in keeping with the repeated asserted position of the community as a whole.

3.42 When the policies were actually produced, it turned out that there was a second policy that allowed contact with and turning subjects over to CBP and ICE as long as that wasn't the "sole purpose of the contact".

3.43 The latter section, amended three time in less than 1 ½ years cites to the federal Government's 2879(g) program as justification. Neither BPD, not any other Department in Washington State has a 287(g) agreement with DHS as would be required.

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3.44 Thus, SERAD was able to use trying to identify A.J., which CBP had no more or less ability than he to do, as a thinly veiled pretext for turning him over to CBP

3.45 When A.J., his family and the community filed a formal complaint, the Department exonerated itself based on SERAD following the policy, which they deemed appropriate.

3.46 In fact, BPD has a long history of racially profiling, particularly Latinos and Native Americans who are much more likely to be stopped, cited or arrested rather than warned, and prosecuted than, in particular, white subjects.

3.47 The exoneration of the involved officers and the policies in question further exacerbated the existing atmosphere of racial hostility and discrimination by the Department, borne out by its actions and its arrest statistics

3.48 The Department initially tried to cover-up this discrimination by claiming it did not keep statistics on stops/arrests of Latinos and simply listed them as White.

3.49 On December 22, 2015, Plaintiffs filed civil claims for damages against the City. On February 4, 2016, the Bellingham City Attorney's Office formally rejected those claims, and the required 60 day period has now expired.

IV. STATEMENT OF DAMAGES

4.1 As a direct and proximate result of the intentional and/or negligent

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acts of Defendants and those acting on behalf of them, Plaintiff A.J. sustained deprivation of his Fourth, Fifth, Eighth, and Fourteenth Amendment Rights, deprivation of liberty, violations of privacy, threats to and fear for his personal safety, discrimination based on race, pain and suffering and injury in an amount that will be established at trial.

4.2 As a direct and proximate result of the intentional and/or negligent acts of Defendants and those acting on behalf of them, Plaintiffs ANTONIO J. and LUCIANO ZEFERINO suffered threats to and fear for their personal safety in the zone of danger, intense fear for the safety of their son, and pain and suffering, actual economic loss, and injury in an amount to be established at trial.

4.3 As a further direct and proximate result of the intentional and/or negligent acts of Defendants, Plaintiffs have had to retain legal counsel to vindicate their rights in court at an amount to be established at trial and for which they are entitled to be reimbursed.

4.4 As a further direct and proximate result of the intentional and negligent acts of the Defendants, Plaintiffs (mostly Plaintiff A. J. underwent frightening physical and psychological abuse, the beginning of deportation proceedings, as well as violations to their privacy and personal information solely caused by Defendant

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SERAD and JOHNSON's abuse of their position as law enforcement officers, and the Department policies and failure to properly train, supervise, and discipline them. This was compounded by deliberate policies emanating from the Mayor and the Police Chief on down that pay lip service to opposing racial profiling while engaging in it, particularly as to Latinos and Native Americans.

4.5 Plaintiffs are entitled to compensation for the Constitutional and personal harms Defendants inflicted on them and the chilling effect their actions had on their lives.

V. CAUSE OF ACTIONS:

COUNT ONE
VIOLATION OF CIVIL RIGHTS
(TITLE 42 U.S.C. SECTION 1983)
(**As To All Individual Defendants and DOES 1-100,**
(As to All Plaintiffs)

5.1. PLAINTIFFS reallege and incorporates herein by reference the allegations set forth in Paragraphs 1 through 4.5 of this complaint.

5.2. In committing the acts complained of herein, Defendants acted under color of state law to deprive Plaintiff A. J., as alleged herein, of certain constitutionally protected rights including, but not limited to:

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(a) The right not to be deprived of liberty without due process of law;

(b) The right to be free from invasion or interference with Plaintiff's zone of privacy;

(c) The right to equal protection of the law;

(d) The right to be free from unreasonable search and seizure;

(e) The right to be free from police use and threat of excessive force;

(f) The right to be free from discriminatory law enforcement;

(g) The right to be free from Racial Profiling

(h) The Right not to be subjected to cruel and unusual punishment (immigration detention, arrest and detention without notification to his family and deportation proceedings for being an underage driver.)

5.3 In violating Plaintiff's rights as delineated above, and other rights according to proof, Defendants acted by verbal threat and intimidation, use of force, false detention, or by ratifying personally the above listed conducts, Defendants acted to violate Plaintiff's rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution, resulting in detention at an adult immigration prison, and an instating on unjustified deportation proceedings, a drastically cruel and unusual punishment for driving underage-a typical youthful transgression

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5.4 Plaintiffs ANTONIO J. AND LUCIANA ZEFERINO, suffered severe harm based on the Racial Profiling and disparate treatment of their son as discussed above.

5.5 DOES 1-100 are the other officers involved directly in the incidents in question and/or the direct supervision, training, and disciplining of Defendant officers other than command officers, and of developing the policies in question..

5.5 As a direct and proximate result of the violations of their Constitutional rights by Defendants, and each of them, PLAINTIFFS suffered general and special damages as alleged in this complaint.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT TWO
Violation of Civil Rights
(Title 42 U.S.C. Section 1983)
(As To DEFENDANTS COOK, LINVILLE, and Does 101-500)

5.6 PLAINTIFFS reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 5.5 of this complaint.

5.7 At all times herein mentioned, Chief COOK, and SERAD and JOHNSON'S other supervisors, acted with deliberate intent and policy to give free rein to SERAD and the other officers of the Department to engage in RACIAL PROFILING, detaining turning children and other suspected Latino immigrants over to CBP AND ICE and other RACIALLY DISCRIMINATORY and Unconstitutional actions that deprived

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PLAINTIFFS and many others of their rights secured by the Constitution of the United States, including, but not limited to their rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the U.S. Constitution, and rights under the Washington State Constitution.

5.8 The Doe supervisors of named Defendants SERAD and JOHNSON acted deliberately to ratify the above-described policy and actions, and participated in the creation and implementation of this policy, and failed to properly train, supervise, and discipline named Defendants and other involved officers,

5.9 DEFENDANT LINVILLE endorsed, encouraged, and ratified THESE POLICIES and the policy (428) of working with CBP and ICE to detain and turn over suspected immigrants based on their race while publicly wringing her hands and insisted that the Department did not engage in racial profiling and that she would fire any officer who did so. LINVILLE also acted deliberately to deny protestors against racial profiling a public forum and acted to have other members of the community drown out and silence their speech in public forums creating deliberately hostile atmosphere to First Amendment activity that was critical of her administration and the Department on this issue.

5.10 Led by Cook and supported by Linville the Department's commanders acted to exonerate the involved officers and the policies in question further causing an

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atmosphere of racial hostility and discrimination by the Department, borne out by its actions and its arrest statistics

5.11 The Department initially tried to cover-up this discrimination by claiming it did not keep statistics on stops/arrests of Latinos and simply listed them as White.

5.12 In committing the acts complained of herein and in their official and individual capacity, COOK, LINVILLE and Doe Defendants acted with a design and intention to deprive PLAINTIFFS and others of rights secured by the Constitution of the United States and acted with deliberate indifference to Plaintiffs' rights.

5.13 As a direct and proximate result of the acts complained of herein, PLAINTIFFS have suffered general and special damages as set forth in this complaint.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT THREE
RACE DISCRIMINATION
((RCW 46.60.030 et seq.)
) (As to All Defendants)

5.14 PLAINTIFFS reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 5.13 of this complaint.

5.15 Defendant SERAD and JOHNSON's singling out of Plaintiff A. J. for drastic disparate treatment based on his race, that is shockingly and reprehensibly different in any manner in which they would have treated a similarly situated white teenager

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engaging in an identical violation of law is clear and undisguised race discrimination and discriminatory law enforcement based on race..

5.16 Allowed and facilitated by Defendants COOK, LINVILLE, and Doe Defendants' deliberate policies and actions of race discrimination against Latinos and Native Americans, and two-faced policies of immigration interrogation and policing where they have no jurisdiction and no appropriate lawful function, resulted in racist policing and the discriminatory pattern and practice described throughout this complaint.

5.17 All of this violated Plaintiffs' right to be free of race discrimination and discriminatory law enforcement based on race in direct violation of RCW 46.60.030, et seq of the Washington State Constitution.

5.18 As a direct and proximate result of the violation of their Constitutional rights by Defendants, and each of them, Plaintiffs suffered general and special damages as alleged in this complaint.

5.19 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

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COUNT FOUR
NEGLIGENCE (As to All Defendants)

5.20 PLAINTIFFS Reallege and incorporates herein by reference the allegations set forth in Paragraphs 1 through 5.19 of this complaint.

5.21 Defendants, and each of them, owed Plaintiffs a duty to use due care, and to ensure the protection of their safety and not to engage in discriminatory law enforcement against them, and protect Plaintiffs from their fellow officers at all times of the aforementioned incidents.

5.22 In committing the aforementioned acts and/or omissions, to the extent that their conduct was not deliberate, Defendants, and each of them, negligently breached said duty to use due care, directly and proximately resulting in the injuries and damages to the Plaintiffs as alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

COUNT FIVE
ASSAULT AND BATTERY
(As to ALL Defendants)

5.23 PLAINTIFFS reallege and incorporate herein by reference the allegations set forth in Paragraphs 1 through 5.22 of this complaint.

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5.24 Defendants SERAD and JOHNSON, and Does 1-100, throughout the period of their detention and supervision thereof OF Plaintiff A. (A.J.) J., in interrogating A.J. as to his immigration status and in turning A.J. over to the custody of CBP without justification or legitimate nondiscriminatory purpose, these Defendants used excessive force and caused A.J. to fear great bodily and other physical harm, constituting common law ASSAULT.

5.25 By acting in this discriminatory manner and by failing to take the basic, readily available step of deliberately failing to contact A.J.'S parents ANTONIO JUAREX and LUCIANA ZEMBRANO, SEARD and JOHNSON knew, or reasonably should have known that the result would be terror as to both their son and their own physical safety.

5.26 This discriminatory physical and verbal actions did cause great physical pain, terror, and emotional pain to PLAINTIFFS without justification or necessity.

5.27 Defendants COOK, LINVILLE, and Does 101-500 knew or should have known, that this harm would, inevitably occur based on their policies and encouragement, and are liable therefore.

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5.28 As a direct and proximate result of the violation of her rights by Defendant, and of Defendants' tortious conduct towards Plaintiff, PLAINTIFFS suffered general and special damages as alleged in this complaint.

5.29 The excessive and unreasonable uses of force, threat and the resulting abuse of PLAINTIFFS was directly and proximately caused by the other Department Defendants' failure to properly train, supervise, and discipline their officers, and the explicit and tacit ratification of such actions.

5.30 The conduct of Defendants was willful, malicious, oppressive, and/or reckless, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

VI. JURY TRIAL DEMAND

6.1 PLAINTIFFS hereby demand a jury trial in this matter.

VII. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFFS prays for judgment against the Defendants as follows:

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7.1 For general damages including pain and suffering together with special damages for Plaintiffs' reasonable and necessary legal expenses, and medical expenses both past and future, the exact amount of which will be established at the time of trial;

7.2 For punitive damages in an amount to be proven at trial pursuant to Federal and State law;

7.3 For actual attorney's fees and litigation costs pursuant to 42 U.S.C. 1988;

7.4 For statutory attorney's fees and costs; and

7.5 For court supervised training and regulations requiring that the City, the Department and its officers establish controls and review processes, proper non-discriminatory policies to ensure that such abuses of privacy not occur again.

7.6 That a special manager be appointed to ensure that the Department ceases engaging in racial profiling and other racially discriminatory conduct.

7.7 That All policies allowing cooperation and involvement of CBP, ICE, and the Border Patrol in cooperative law enforcement or actions with BPD, of any kind be ended.

7.8 That all police policy changes be readily available to the public on BPD and the City's websites and that a public announcement be made of any such changes.

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7.9 That the Department be mandated to keep full, complete, and proper statistics of all law enforcement encounters by race, including Latinos as a separate category and that those statistics be audited by an outside agency approved by the community on a quarterly basis.

7.10 That the Department be overseen by a civilian review board, whose members are appointed by and accountable to the community, not the mayor, with enforcement and investigative authority.

7.11 For such other and further relief as the Court deems just and proper.

DATED: April 28, 2016

/s/ LAWRENCE A. HILDES

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